

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JUL 01 2005

JOHN F. CORCORAN, CLERK
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UNITED STATES OF AMERICA,

v.

GEORGE DESHAWN MOORE,

Defendant.

CRIMINAL CASE NO. 4:03-CR-70123

ORDER AND OPINION

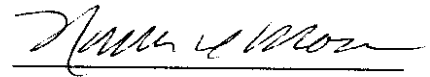
JUDGE NORMAN K. MOON

The Court has before it Defendant George Deshawn Moore's Motion for Transcription of Grand Jury Testimony, filed June 21, 2005. Defendant requests a transcript of the grand jury proceedings associated with the June 2, 2005 Superseding Indictment. Defendant argues that he is entitled to the grand jury testimony by officers or other witnesses whom the government will call at trial pursuant to the Jencks Act, 18 U.S.C. § 3500, and Rule 26.2 of the Federal Rules of Criminal Procedure. The Jencks Act and Rule 26.2 *do* require the government to produce all statements of government witnesses, *but not until* the witness has testified on direct examination in the trial of the case. *See* 18 U.S.C. § 3500(a) (2000) ("In any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness . . . shall be the subject of subpoena [sic.], discovery, or inspection until said witness has testified on direct examination in the trial of the case"); Fed. R. Crim. P. 26.2(a) ("After a witness other than the defendant has testified on direct examination, the court, on motion of a party who did not call the witness, shall order the attorney for the government . . . to

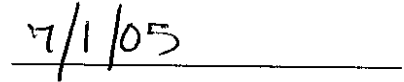
produce . . . any statement of the witness that is in their possession and that relates to the subject matter concerning which the witness has testified.”). Defendant is not entitled to the grand jury testimony of government witnesses until those individuals testify in the government’s case-in-chief. Accordingly, Defendant’s Motion is DENIED.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record.

ENTERED:



U.S. District Judge



Date